

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,  
vs.  
HONORABLE. Sean F. Cox  
United States District Judge  
  
Michael Winans, Jr.,  
Defendant.

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**DEFENDANT MICHAEL WINANS' SENTENCING POSITION**

**Background**

On September 10, 2012, a One Count Information Charging Michael Winans, Jr. with Wire Fraud in Violation of 18 U.S.C. § 1343 and Forfeiture Allegations, pursuant to Federal Rules of Criminal Procedure, 32.2(a) was filed. The offense conduct took place from October 2007 through September 2008.

On October 3, 2012 the Defendant, after meeting with the FBI and the Assistant United States Attorney, reached a Rule 11(c) (1) (c) Plea Agreement and on October 3, 2012, the Defendant appeared before this Court and entered a Plea of Guilty

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to Count One of the information. The Plea of Guilty was accepted and the Rule 11 Plea Agreement was taken under advisement by the Court.

### Defendant's History

The Defendant Michael Winans, Jr. was born in 1982 to his parents Michael Sr. and Regina Winans. The Defendant's upbringing was in a Christian household where positive values were strongly emphasized. The family unit as noted in the PSI Report is very close knit and there is tremendous support for Michael among his family members.

Michael Winans, Jr. is married to Stephanie Winans and to this union, one (1) child has been born, Ari Winans. The Defendant has a consistent history of employment and is a resourceful person and very dependable. Michael has volunteered over 50 hours of Community service to two organizations American Rescue Workers and The Manna House located in Baltimore, MD.

### Factors Under 18 U.S.C § 3553 That Warrant A Sentence of Not More Than the Bottom of the Guidelines

The position of the Government advocating that this Court sentence the Defendant within the guideline range at first blush appears to be well within reason.

While the Sentencing Commission generally favors preponderance of the evidence in the determination of sentencing factors, the Defendant urges this Court to consider the extremely disproportionate effect this has on the sentence to be imposed in this case.

The Presentence Investigation Report contains the details of Michael Winans, Jr.'s life. There are many positive factors that can be extracted from the detailed report.

In compliance with United States v. Booker, 125 S Ct. 738 (2005), the Court is directed to consider a number of factors in determining a defendant's sentence. Under

§ 3553(A), the Court must impose a sentence sufficient, but not greater than necessary, to accomplish the purposes of sentencing. Those purposes are set forth in 18 U.S.C. § 3553(A) (1) through (7). No single factor seems to have primacy, but the court is directed to consider the person and the conduct in reaching its sentencing determination. It would further appear that under the clarifying cases of Gall v. US, 552 U.S. 128 S Ct at 586 (2007) and Kimbrough v. U.S., 552 U.S. S Ct 558 (2007), the court is advised to begin with the Advisory Sentence Guideline Calculation, but then turn to U.S.C. § 3553(A) for support, or a lack thereof, to that initially determined advisory range or the sentencing position of the parties.

**The Need for the Sentence Imposed to Reflect the Seriousness of the Offense**

The Defendant is going to Federal prison and he recognizes that the sentence will be substantial. No one--not the Defendant, not his family, not the community at large--will take the Defendant's sentence as anything other than a statement of the seriousness with which this conduct is treated by the Judicial System. The severe sentence will deter the Defendant, and others who may have knowledge of it, from committing like crimes should they just stop and think. Mike Winans will be gone from the community for a significant period of time. For that time, the public will be protected.

**Conclusion**

The Defendant Michael Winans, Jr. has requested that the Court be made aware of the fact that he accepts full responsibility for the heartache, pain and economic disaster that his conduct caused to countless innocent and trusting individuals.

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It is noted in the Presentence Investigation Report that this fraudulent scheme was not created by Mike Winans, however when he became aware of it, he failed to do the honorable thing and shut it down. The Court is aware of the numerous letters of support that many people have written in the hope that somehow the Court would see a different side of Mike Winans. Mr. Winans has acknowledged the fact that the suffering that he has caused so many people can only be made right and corrected if the people who lost their funds are repaid. The fact that Michael Winans has never been in any legal trouble speaks for itself. The voice that he now speaks with is one of remorse, humility and fear. It is respectfully requested that this Court take into consideration the many kind acts and deeds of this young man and show mercy in passing sentence on him.

Respectfully submitted,

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Dated: February 22, 2013

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